

No. 15-5814

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

JIMMY L. SAMPLES,

Plaintiff-Appellant,

V.

BRADLEY COUNTY JUSTICE DEPARTMENT,

Defendant-Appellee.

**FILED**  
Nov 12, 2015  
DEBORAH S. HUNT, Clerk

ORDER

Before: NORRIS, ROGERS, and WHITE, Circuit Judges.

This matter is before the court upon consideration of Jimmy L. Samples's response to this court's order directing him to show cause why his appeal should not be dismissed on the basis of a late notice of appeal, and for his failure to sign the notice of appeal. Samples's response does not address the late notice of appeal. Instead, he appears to argue the merits of his appeal. Also in response to the show-cause order, Samples submitted a signed copy of his notice of appeal.

The district court entered its judgment on May 6, 2014. Any notice of appeal from that decision was required to be filed by June 5, 2014. *See* Fed. R. App. P. 4(a) and 26(a). Samples filed a notice of appeal on July 23, 2015, stating that he appeals the judgment entered July 21, 2015. No judgment was entered on or near July 21, 2015. The notice of appeal filed in the district court on July 23, 2015, is late as it may apply to the May 6, 2014 judgment. *See id.* Also, the notice of appeal was not signed as required by Federal Rule of Civil Procedure 11(a).

This court lacks jurisdiction over this late appeal. Samples has corrected the omission of his signature on the notice of appeal by signing a copy of the notice of appeal filed on July 23, 2015. *See Becker v. Montgomery*, 532 U.S. 757, 767 (2001). But the notice of appeal is late.

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and compliance with Federal Rule of Appellate Procedure 4(a) is a mandatory prerequisite that this court may neither waive nor extend. *Bowles v. Russell*, 551 U.S. 205, 214 (2007); *Ultimate Appliance CC v. Kirby Co.*, 601 F.3d 414, 415-16 (6th Cir. 2010). Federal Rule of Appellate Procedure 26(b) specifically provides that the time for filing a notice of appeal may not be extended except as authorized in Rule 4. We have reviewed the record and find that the exceptions authorized in Rule 4 do not apply in this case.

It is ordered that this appeal is dismissed.

ENTERED BY ORDER OF THE COURT

A handwritten signature in black ink, appearing to read "Deborah S. Hunt", is written over a horizontal line.

Deborah S. Hunt, Clerk

**UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT**

Deborah S. Hunt  
Clerk

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Filed: November 12, 2015

Mr. Jimmy L. Samples  
Bradley County Justice Complex  
2290 Blythe Avenue, S.E.  
Cleveland, TN 37311-0000

Re: Case No. 15-5814, *Jimmy Samples v. Bradley County Justice Dept.*  
Originating Case No. : 1:14-cv-00021

Dear Mr. Samples,

The Court issued the enclosed (Order/Opinion) today in this case.

Sincerely yours,

s/Robin Baker  
Case Manager  
Direct Dial No. 513-564-7027

cc: Ms. Debra Poplin

Enclosure

No mandate to issue